AN ORDINANCE OF THE Lords and Commons Assembled in PRALIAMENT,

For the speedy constituting of

Sir Nathaniel Brent,

Iudge of the Prerogative Court for the probate of Wils, and granting of Letters of Administration.

Die Lunæ, 4 Novemb. 1644.

ORdered by the Lords in Parliament assembled, That this Ordinance for the constituting a Iudge of the Prerogative Court of Canterbury, be forthwith printed and published.

J. Brown Cler. Parliamentorum.

LONDON,
Printed for John Wright in the Old-baily.
Novemb. 5. 1644.

ORDINANCE

OF THE

Lords and Commons

Assembled in

PARLIAMENT,

Pursuant to every constitution of

Sir Nathaniel Brent,

Judge of the Prerogative Court for the probate of Wills, and granting of Letters of Administration.

Die Lunæ, 4 Novemb. 1644.

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J. Brown Cler. Parliamentorum.

LONDON,

Printed for Iohn Wright in the Old-bailey,

Novemb. 6. 1644.

Die Lunæ, 4 Novemb. 1644.

An Ordinance of the LORDS and and COMMONS assembled in Parliament, for the constituting a Judge of the Prerogative Court of Canterbury.

WHereas William Merricke Doctor of the Lawes, late Commissary generall, Master or Keeper of the Prerogative Court of Canterbury, wilfully, and contrary to his duty hath absented himselfe from due attendance on the said Office, revoked all Subrogations and Deputations by him made in or neere London, Kent, Middlesex, and other places within the power of the Parliament, wilfully, and to the end that justice might not be administred in causes Ecclesiasticall in the said places, as things to his jurisdiction belonging;

ging, by reason whereof the administration of the goods and chattels, rights and credits of those persons who have dyed intestate cannot be had or taken, nor the Wills of others who made their last Wills and Testaments duely proved, nor Justice in such cases administred. The Lords and Commons in Parliament assembled taking into their consideration the necessity of that service, declare and adjudge the said place void of the said Doctor Merricke, and him from the execution of the said Office doe remove: And have constituted and ordained, and by these presents do ordaine Sir Nathaniel Brent Knight, Doctor of the Lawes by himselfe, his deputy and deputies, his, have power, and upon the office of Master or keeper of the said Prerogative Court, together with all and singular emoluments, wages, fees, profits, commodities, and jurisdictions to the said Office belonging or appertaining. And to appoint him the said Sir Nathaniel Brent Doctor of the Lawes by himselfe and deputy or deputies sufficient to do, execute, and performe all the offices, duties, and things as to the Master or keeper of the said Court doth belong or appertaine, for the granting of

Administrations, making probat of Wills, and other things to doe and perfoune as fully and amply as by the Lawes and Statutes of this Land any Comissary generall, Master or keeper of the said Court ought to doe and perfoune; To have, hold, use, and exercise the said Office, with the appurtenances, till it shall be otherwise ordained by both houses of Parliament; And that all Processes, probats of Testaments, letters of Administration, and other things whatsoever which shall passe the Seals of the said Court shall passe in the name and style of the King, and with the Teste of the said Sir Nathaniel Brent; And that the said Sir Nathaniel Brent in the execution of his said Office shall have in the Seale of his said Office the Kings highnesse Armes decently set, with these Characters engraven about it, (Sigillum Curiæ Prerogativæ) and shall use no other Seale for the said Office. And the said Lords and Commons doe further ordaine and declare, that all probats of Wills, and letters of Administration, and other Acts that since the three and twentieth day of May, which was in the yeere of our Lord God, one thousand six hundred forty and

thiet haue beene done, or that shall be done hereafter by the said William Merricke, or any other person or persons as Master or keeper of the said Office, other then by the said Sir Nathaniel Brent, his deputy or deputies, or by such person or persons as shall be appointed by the Lords and Commons in Parliament to grant such administrations or to take probats of such Wills, shall be voyd and of none effect to all intents, unlesse that the Administrators or Executors that claime thereby shall againe take new letters of Administration, or make new probate, according to the intent of this Ordinance, before the end of Hillary Terme next, in the yeere of our Lord God one thousand six hundred forty and foure, in which case it is meant that they should not be prejudiced any way by this Ordinance, but that the said former letters of Administration and probate remaine of force any thing in this Ordinance notwithstanding. Nevertheless every person who has right to demand Letters of Administration, or that might justly have opposed the former probate of any such Will at the first granting of such Letters, and making of such Probate, shall be heard

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ab integro, upon demand of such new letters of Administration, or making of such new probate to demand letters of Administration, and to oppose the probate of any Will formerly proved as aforesaid, as fully and freely, and justice shall be done to all parties respectively in like manner as if no former Administration or Probate had been formerly granted or made.

And further it is ordained, that in case that opposition of any letters of Administration or Probate formerly made as aforesaid shall be made, and suite thereon arise, and not determined before the end of the said Terme, then the Administrators or Executors shall have further time and liberty to take new letters of Administration, or make new Probate, as the justice of their cause shall require, untill that the same suite shall be ended or determined, & then within one Terme next following to take newe letters of Administration, or make new Probate, and be in like condition as if the same had been done before the end of the said Hillary Terme. Provided also, that in case of the repeale or avoydance of any letters of administration, or probate, by vertue of this

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